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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,307	03/07/2002	Yuji Kawasaki	740756-2446	9633

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EXAMINER

NGUYEN, JIMMY H

ART UNIT PAPER NUMBER

2673

DATE MAILED: 08/16/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,307

Applicant(s)

KAWASAKI ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/447,932.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 6/7/2004 (entered into the file wrapper as Paper No. 10). Claims 17-23 are currently pending in the application. An action follows below:

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/23/2004 entered as paper No. 8 is considered by the examiner.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 17, 18, 20, 21 and 23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 3 and 19 of U.S. Patent No. 5,812,149 cited in IDS No. 2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a display portion, at least one VRAM,

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comparing means, output means, control means, a timer, a backlight unit and a synchronizing signal generating means along with the interconnections between them.

5. Claims 19 and 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 5,812,149, and further in view of Nishikawa (JP 04-050996 A, cited in IDS filed on 7/9/2003).

As per claims above, claims 2 and 3 of U.S. Patent No. 5,812,149 discloses a LCD device comprising a display portion, memory means including a VRAM, a comparator (comparing means), a synchronizing signal regulator circuit (output means), a controller (control means) and a timer. Accordingly, claims 2 and 3 of U.S. Patent No. 5,812,149 discloses all the claimed limitations except for a synchronizing signal regulator circuit comprising AND circuits as presently claimed.

However, Nishikawa discloses a related LCD device (see fig. 1) comprising a synchronizing signal regulator circuit including two AND gates 107 and 108 (see fig. 1) for receiving a horizontal synchronizing signal (HSYNC), a vertical synchronizing signal (VSYNC) and a standby signal (STNBY), for supplying a regulated horizontal synchronizing signal (an output of an AND gate 108, fig. 1) and a regulated vertical synchronizing signal (an output of an AND gate 107, fig. 1) to a controller (a circuit including elements as shown in fig. 1 except for elements 107 and 108). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide AND gate circuits in the synchronizing signal regulator circuit of the invention defined in claim 2 of U.S. Patent No. 5,812,149, in view of the teaching in the Nishikawa reference, because this would reduce the electric power consumption,

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since the modified synchronizing signal regulator circuit capable of halting the regulated synchronizing signals to a controller if the first image data and the second image data coincide with each other, as taught by Nishikawa (see abstract).

Response to Arguments

6. Applicants' argument, see page 6, lines 7-19, with respect to the double patenting rejections to claims 17-23 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments, see the amendment, pages 4-6, filed 6/7/04, with respect to the drawing objection, the claim objections, the rejection under 35 USC 112, first paragraph, the rejections under 35 USC 103(a), in the last Office Action dated 1/5/2004, have been fully considered and are persuasive in view of the amendment filed on 6/7/2004. The drawing objection, the claim objections, the rejection under 35 USC 112, first paragraph, the rejections under 35 USC 103(a), in the last Office Action dated 1/5/2004, have been withdrawn.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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JHN

August 12, 2004



Jimmy H. Nguyen

Examiner

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